

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KEVIN A. TOLLIVER,

Plaintiff,

v.

Case No. 2:22-cv-4567

Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberly A. Jolson

OHIO DEPARTMENT OF  
REHABILITATION AND  
CORRECTIONS, *et al.*,

Defendants.

**ORDER**

This matter is before the Court on the August 27, 2024 Report and Recommendation issued by the Magistrate Judge. (R&R, ECF No. 30.) The Magistrate Judge recommends that the Court deny the First Motion to Dismiss by Defendants Ohio Department of Rehabilitation and Correction, Annette Chambers-Smith, Dr. Mike Davis, and Jennifer Urrah (collectively, “Defendants”). (*Id.*; *see also* ECF No. 23.)

The parties were advised of their right to object to the Report and Recommendation and of the consequences of failing to do so (R&R PageID 363–64), but did not do so. The Court **ADOPTS** and **AFFIRMS** the Report and Recommendation. (ECF No. 30.) Defendants’ First Motion to Dismiss is **DENIED**. (ECF No. 23.) This case remains open.

**IT IS SO ORDERED.**

10/9/2024  
DATE

s/Edmund A. Sargus, Jr.  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**